

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

AGENDA FOR SPECIAL CITY COUNCIL MEETING

August 21, 2006
10th Floor Conference Room, City Hall
4:00 p.m.

AGENDA: Question and answer session with staff on the items listed on the Agenda posted for the Regular City Council Meeting of Tuesday, August 22, 2006. No deliberations among the Council members will be held and no action will be taken during this meeting on the items posted on the Agenda.

AGENDA FOR REGULAR CITY COUNCIL MEETING

August 22, 2006
Council Chambers, City Hall
8:30 a.m.

After the meeting is convened, the City Council shall consider the following items in the following order no sooner than the designated times, but may consider them at a later time.

8:30 a.m.: Roll call and Executive Session*
9:00 a.m.: Invocation and Pledge of Allegiance
9:00 a.m.: Ceremonial items followed by all other items posted on the Agenda

*At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.

Invocation – Police and Fire Chaplain Sam Faraone
Pledge of Allegiance

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/city_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of August 15, 2006, and for Special City Council Meeting (Agenda Review) of August 14, 2006.

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State"). The scope of work for this Agreement is described as the construction of asphalt bicycle paths with signage and striping on various City streets. Project #: PCP06ST022; Fund: 27263; Department: 99331117; Account: 508027. **(Districts 5, 6, and 7)**
[Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

3B. Placing a condemnation lien on the following property (legal description on file with the City Clerk) and in the following amount for work performed by the City pursuant to Section 18.50 (Unsafe Structures and Conditions) of the El Paso Municipal Code:

3737 Fred Wilson Road \$1,692.51
Maria C. Sonora and Isabel Medina
[Development Services, William Stern, (915) 541-4800]

District 2

3C. That the Solid Waste liens on the attachment posted with this agenda be approved. **(All Districts)** (See attachment A)
[Environmental Services, Ellen A. Smyth, (915) 621-6719]

4. BOARD RE-APPOINTMENT:

Luz Jurado to the Art Museum Advisory Board by Representative Jose Alexandro Lozano.
[Representative Jose Alexandro Lozano, (915) 541-4515]

5. BOARD APPOINTMENTS:

- 5A.** Lester L. Parker to Brownfields Redevelopment Board by Representative Steve Ortega, District 7. [Representative Steve Ortega, (915) 541-4124]
- 5B.** Veronica Rosales to the City Plan Commission by Mayor John Cook. [Mayor John F. Cook, (915) 541-4145]

6. BEST VALUE PROCUREMENT:

Discussion and action on the award of Solicitation No. 2006-160, Janitorial Services-Marcos B Armijo Recreational Center, to Global Clean for a total estimated award of \$61,594.80.

Department:	Parks and Recreation
Award to:	Global Clean
	El Paso, TX
Item(s):	All
Estimated Annual Amount:	\$20,531.60
Option:	Option to renew for one additional year prior to the end of the contract term.
Account Nos.:	51010256-01101-502206
	51510065-16307-502206-P500207
Funding Source:	Operating Account - \$19,731.60 and User Fees - \$800.00
Total Estimated Award:	\$61,594.80
District(s):	8

This is a thirty-six month contract. Global Clean offers 2.5%-10 Days, prompt payment discount.

The Departments of Financial Services and Parks & Recreation recommend award to the bidder offering the best value bid. [Financial Services, Terrence Freiburg, (915) 541-4313]

7. BIDS:

- 7A.** Discussion and action on the award of Solicitation No. 2006-170, GMC/Chevrolet Proprietary Parts & Service, to Midway Chevrolet for a total estimated award of \$240,000.00.

Department:	General Services/Fleet Division
Award to:	Midway Chevrolet
	El Paso, Texas
Item(s):	1 and 2
Annual Estimated Amount:	\$80,000.00
Department:	General Services/Fleet Division
Account No.:	37370510-45202-503121
Funding Source:	Fleet Services Internal Service Fund
Total Estimated Award:	\$240,000.00
District(s):	All

This is a three year requirement contract.

Vendor did not offer any options.

The Departments of Financial Services and General Services/Fleet Division recommend award as indicated to the lowest responsive, responsible bidder.

[Financial Services, Terrence Freiburg, (915) 541-4313]

- 7B.** Discussion and action on the award of Solicitation No. 2006-154, Thermal Cyclor System, to Cepheid for a total award of \$31,100.00.

Department:	Fire		
Award to:	Cepheid		
	Sunnyvale, CA		
Item(s):	All		
Amount:	\$31,100.00		
Account No.:	503112 – 07161 – 22150024 – G220402	\$22,048.34	
	508014 – 07161 – 22150024 – G220402	\$9,061.66	
Funding source:	Metropolitan Medical Response Sustainment Grant (MMRS), Clinical Medical Supplies		
	Metropolitan Medical Response Sustainment Grant (MMRS), Hazardous Materials Equipment		
Total award:	\$31,100.00		
District (s):	All		

This is a fixed-price, single (one-time) purchase.

The Department of Financial Services and the Fire Department recommend award and its accompanying change order to the lowest responsive, responsible bidder.

Approval is sought for a change order to effectuate changes to the Indemnification and Product Warranty provisions of the contract for this solicitation.

[Financial Services, Terrence Freiburg, (915) 541-4313]

REGULAR AGENDA

8. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

Public comment typically is not taken during the introduction of ordinances.

Public comments are invited at the date of the scheduled public hearing.

- 8A.** An Ordinance authorizing the City of El Paso to sell Lots 40-47, Block 2, Zach White Industrial District, City of El Paso, El Paso County, Texas to Eugenio P. Rivera. **(District 8)** [Financial Services, Gonzalo Cedillos, (915) 541-4074]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 5, 2006, FOR ITEM 8A

- 8B.** An Ordinance granting Special Permit No. ZON06-00070 to allow for a Planned Residential Development on Tract 199 and the South 130 feet of Tract 200, Sunrise Acres No. 2, El Paso, El Paso, County, Texas, pursuant to Section 20.14.040 (Zoning) of the El Paso City Code. The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Apollo Avenue. Applicant: Keith W. and Maria T. Alexander. ZON06-00070. **(District 2)**
[Development Services/Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON SEPTEMBER 12, 2006, FOR ITEM 8B

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

9. MAYOR AND COUNCIL:

- 9A.** Discussion and action to develop a plan for property tax reductions to be given to homes damaged or destroyed in the flooding caused by the storm and asks that all other taxing entities in the City of El Paso and the County of El Paso do likewise.
[Representative Ann Morgan Lilly, (915) 541-4151]
[Representative Beto O'Rourke, (915) 541-4268]

- 9B.** Discussion and action to reconsider the item approved on 7/25/2006 on the Base Bid for the Equestrian. [Representative Eddie Holguin, Jr., (915) 541-4178]

Solicitation No. 2006-156	El Paso International Airport Terminal Drive Improvements
Location:	El Paso International Airport
Contractor:	Concrete Placement, Inc. El Paso, TX
Items:	
Base Bid I –	
Equestrian Base	\$ 50,500.00
Alternate #2 –	
Roadway Improvements	
(Concrete)	\$148,000.00
Total	\$198,500.00
Department:	Airport
Funds Available:	Project-PAP0029/DeptID-62600020/Fund-41070/ Account - 508027
Funding Source:	Airport Enterprise Funds
Estimated Completion Date:	September 2006

Discussion and action on the award of Base Bid I and Alternate Number 2 to Concrete Placement, Inc., the lowest bidder for a total amount of \$198,500.00 as they are the lowest responsible, responsive bidder. It is also requested that the City Manager of the City of El Paso be authorized to sign the applicable contract.

The Airport Department has concurred with this award. This is a lump sum contract not a unit-priced contract.

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding the bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

It is requested that the City Manager of the City of El Paso be authorized to execute contracts and any other necessary documents relating to this Solicitation, which are necessary to carry out the intent of this award.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council. **(District 3)**

[Airport, Patrick T. Abeln, (915) 780-4724] [Engineering Department, Rick Conner, (915) 541-4423]

- 9C.** Discussion and action regarding the Ordinance passed and approved on February 7th, 2006 on the El Paso Advisory Committee on International Affairs, (Advisory to the Mayor), and the establishment of it's members and the terms for each; and the relationship in regards to the members of Ciudad Juarez, Mexico; by Representative Jose Alexandro Lozano.

[Representative Jose Alexandro Lozano, (915) 541-4515]

- 9D.** Discussion and action regarding the removal of a driveway which has been placed over a large drain, at the 4700 block of Durazno Street, to open the drain and allow water to flow faster by Representative Jose Alexandro Lozano.

[Representative Jose Alexandro Lozano, (915) 541-4515]

10. ECONOMIC DEVELOPMENT:

Discussion and action regarding a Resolution nominating ADP, Inc. as a Texas State Enterprise Zone Project. **(All Districts)**

[Economic Development, Lucille Ponticelli, (915) 541-4679]

11. PUBLIC HEARINGS – OFFICE OF MANAGEMENT AND BUDGET:

- 11A.** Second Public Hearing on the City of El Paso's proposed Property Tax Rate Increase. **(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4011]

- 11B.** Public Hearing on the Proposed Budget for the City of El Paso for the Fiscal Year 2007. **(All Districts)** [Office of Management and Budget, David Almonte, (915) 541-4011]

12. OFFICE OF MANAGEMENT AND BUDGET:

Discussion and action on a Resolution that the Proposed Budget for the City of El Paso, filed by the City Manager with the City Clerk on June 30, 2006, is hereby approved and adopted by the City Council, as amended, as the Annual Budget for Fiscal Year 2007 for the City of El Paso, Texas. **(All Districts)**

[Office of Management and Budget, David Almonte, (915) 541-4011]

13. PUBLIC HEARING – CITY ATTORNEY'S OFFICE:

An Ordinance relating to the creation of three divisions of Municipal Court Number Four. **(All Districts)** [City Attorney's Office, Charles F. McNabb, (915) 541-4550]

14. PUBLIC HEARINGS – DEVELOPMENT SERVICES:

- 14A.** An Ordinance amending Title 19 (Subdivisions) of the El Paso City Code by amending Chapter 19.12 (Parkland Dedication) by adding Subsection 19.12.030.A.3 (Parkland Calculation) in order to provide an exception for the dedication of parkland required to be deeded to the City for multi-family developments of ten or less units; amending Section 19.12.090 (Bonus Reductions for Recreational Improvements) in order to allow for up to a one hundred percent bonus reduction for private amenities provided within multi-family development and open space amenities in general; amending Subsection 19.12.090.B (Bonus Reductions for Recreational Improvements) to revise the calculation formula; and amending Subsection 19.12.100.B.1 (Fee in Lieu of Parkland Dedication) in order to revise the time at which fees in lieu of parkland dedication are calculated for certain applications and decrease the park fee to be paid to the city in lieu of parkland dedication. The penalty being as provided in Section 19.04.190 of the El Paso City Code. **(All Districts)**

[Development and Infrastructure Services, Patricia D. Adauto, (915) 541-4853]

POSTPONED FROM 07-11-06

- 14B.** An Ordinance changing the zoning of Tracts 2B And 2B2, Section 46, Block 79, Township 2, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to C-3 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Zaragosa Road, North of Montwood Drive. Applicant: Chita, L. P. ZON06-00072. **(East ETJ).**

[Development Services/Planning, Christina Valles, (915) 541-4930]

- 14C.** An Ordinance changing the zoning of the West Portion of Tract 9, Fruitvale Subdivision, El Paso, El Paso County, Texas, from R-F (Ranch and Farm) to R-3A (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8468 Roseway Drive. Applicant: Esaul and Rosalinda Campos. ZON06-00062 **(District 7)**

[Development Services/Planning, Esther Guerrero, (915) 541-4720]

- 14D.** An Ordinance granting Special Permit No. ZON06-00064, to allow infill development on the West 100 feet of the South 85 feet of Tract 14, Sunrise Acres #3, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject Property: 4021 Olympic. Applicant: Armando Loya & Alicia Loya. ZON06-00064 **(District 4)**

[Development Services/Planning, Christina Valles, (915) 541-4930]

- 14E.** An Ordinance changing the zoning of a portion of Lots 11 and 12, Lafayette Place, El Paso, El Paso County, Texas, from C-1 (Commercial) to C-2 (Commercial). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: 8050 and 8052 North Loop Drive. Applicant: Arturo Martinez, Bertha Martinez, Alicia Martinez. ZON06-00029 **(District 6)**

[Development Services/Planning, Christina Valles, (915) 541-4930]

- 14F.** An Ordinance granting Special Permit No. ZON06-00040 to allow for a dance hall on the property described as a portion of Lots 11 and 12, Lafayette Place, El Paso County, Texas, pursuant to Section 20.38.040 of the El Paso City Code. The penalty being as provided in Chapter 20.68 of the El Paso City Code. Subject

Property: 8050 and 8052 North Loop Drive. Applicant: Arturo Martinez, Bertha Martinez, Alicia Martinez. ZON06-00040 **(District 6)**
[Development Services/Planning, Christina Valles, (915) 541-4930]

- 14G.** An Ordinance annexing all of Tracts 2B and 2B2, Section 46, Block 79, Township 2, Texas & Pacific Railroad Company Surveys, El Paso County, Texas, to the City of El Paso, Texas. **(District 5)** [Development Services, Rudy Valdez, (915) 541-4635]
POSTPONED FROM 06-20-06 AND 08-15-06

- 14H.** An Ordinance changing the zoning of a portion of Tract 5, Block 80, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County Texas, from C-4 (Commercial) to R-5 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso City Code. Subject Property: Dyer Street near Mohair. Applicant: Borsberry Family LTD Partnership. ZON06-00041 **(District 4)**
[Development Services/Planning, Christina Valles, (915) 541-4930]
POSTPONED FROM 08-01-06, 08-08-06, AND 08-15-06

15. PUBLIC HEARING –ENGINEERING:

An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.200 (Schedule XVII, Restriction on Parking in Residential Districts), of The El Paso City Code, to revise Subsection Zone M (No Parking 7:00 A.M. to 4:00 P.M., Monday through Friday, School Days only) to include the North side of Cosmos Drive between McRae Blvd. and Catnip Street. The Penalty as Provided In Section 12.84.010 of the El Paso City Code. **(District 3)** [Engineering Department, Traffic Division, Ted Marquez, 541-4035] POSTPONED FROM 2-7-06, 2-21-06, 2-28-06, 04-11-06, AND 05-09-06

16. PUBLIC HEARING –ENVIRONMENTAL SERVICES:

An ordinance granting to Sign Store a non-exclusive franchise for litter receptacles on sidewalks and other City Property. **(Districts 3, 5, 6, and 7)** [Environmental Services, Ellen Smyth, (915) 621-6719]

17. PUBLIC HEARING – HUMAN RESOURCES:

An Ordinance amending Ordinance 8064 (the Classification and Compensation Plan) to amend all positions within the General Services Compensation Plans pursuant to the Classification and Compensation Study completed by the Human Resources Department. [Human Resources, Linda Ball Thomas, (915) 541-4509]

18. PUBLIC HEARINGS – PARKS AND RECREATION:

- 18A.** An Ordinance authorizing the City Manager to sign a lease agreement between the City of El Paso and the County of El Paso, Texas, for the lease of the Happiness Senior Citizens Center, located at 563 North Carolina, El Paso, Texas, for a term of one (1) year with automatic renewal not to extend beyond thirty years. **(District 3)**
[Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

- 18B.** An Ordinance amending Title 13 (Streets, Sidewalks & Public Places), Chapter 13.25 (El Paso Zoo), by amending Section 13.25.010 (El Paso Zoo Fees) to remove listed fees and establish criteria and guidelines for the setting of fees; to repeal section 13.25.015 (Parking Fees for El Paso Zoo Patrons); and to amend

Section 13.25.020 (El Paso Zoo Parking Lot – Use and Fees) to establish criteria and guidelines for the setting of all parking fees. **(All Districts)**
[Parks and Recreation, Norman C. Merrifield, (915) 541-4910]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

EX1. Massey Automotive, L.P. vs. The City of El Paso and Dick Poe Dodge, L.P.; Cause No. 2006-2143. (551.071). [City Attorney's Office, Laura P. Gordon, (915) 541-4550]

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>